



SUPERFUND

**PROTECTING
FUTURE
GENERATIONS**

REGION 6

REGION 6 1998 PROGRESS REPORT

THIS IS SUPERFUND

Why was Superfund started?

Years ago, people did not understand how certain wastes might affect public health and the environment. Many wastes were dumped on the ground, in rivers or left out in the open. As a result, thousands of uncontrolled or abandoned hazardous waste sites were created. As the century progressed, we began to learn about the hidden environmental consequences of widespread chemical use in our modern society. Places such as Love Canal and the Valley of the Drums became synonymous with pollution and environmental degradation.

In response to growing concern over health and environmental risks posed by hazardous waste sites, Congress established the Superfund Program in 1980 to clean up these sites. The Superfund Program is administered by the U.S. Environmental Protection Agency (EPA) in cooperation with individual states and tribal governments. Superfund locates, investigates and cleans up hazardous waste sites throughout the United States. EPA Region 6, headquartered in Dallas, Texas, is responsible for Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Identifying these sites and gauging their public health and environmental threats is a rigorous process. It must be in order to make sure that the worst threats are taken care of first. The Superfund removal and remedial programs are the major parts of

Superfund. The removal program takes quick action to correct short-term emergencies such as accidental spills of hazardous materials or long-standing contamination that immediately threatens public health. The remedial program pursues long-term solutions to contamination problems caused by hazardous releases.

Early Actions in the Superfund Remedial Program

In 1980, it was believed that relatively few sites in the Nation were contaminated with hazardous wastes. Superfund was thought to be a short-lived program involving at most a few hundred sites requiring relatively few resources. As EPA began uncovering sites and evaluating their potential to do harm, one discovery led to another and the inventory of hazardous waste sites grew rapidly. More than 36,000 sites were identified and entered into EPA's computerized data base of hazardous waste sites, and more than 1,200 were placed on EPA's National Priorities List (NPL) of the most hazardous sites.

The early years of the Superfund program showed little cleanup progress. Decision-making was limited, and cleanup technologies were untested for the kinds of problems that were encountered. This was in marked contrast to other EPA programs which were able to use proven technologies to improve other aspects of the environment.

Actions Taken to Speed Up the Superfund Remedial Program

In 1986, Congress passed the Superfund Amendments and Reauthorization Act (SARA) which expanded EPA's enforcement and cleanup authority. In 1989, this process of accelerating the program continued with emphasis being placed on using enforcement first to compel private party response, making sites safer by controlling acute threats, tackling the worst problems at the worst sites first, and using more treatment at Superfund sites. Beginning in the early 1990's, three series of Superfund Reforms have continued EPA's progress in making the Superfund program faster, fairer, and more efficient.

What about NPL sites in EPA Region 6?

As of March 31, 1999, there were 94 Superfund sites in the five states which make up EPA Region 6.

Arkansas	13
Louisiana	18
Oklahoma	12
New Mexico	13
Texas	38

The EPA has assessed these sites and ranked them in order of priority. Some sites have been deleted from the NPL, others are in the remediation process, and others are yet to be addressed.

The Superfund Removal Program

Addressing NPL sites is one major part of EPA's Superfund Program. The other major part of EPA's Superfund work is made up of removal sites ... the more urgent cleanups undertaken at approximately 300 sites every year. A removal action is a short-term response intended to stabilize or clean up an incident or site that poses a threat to public health or welfare. Region 6 conducts approximately 25 removals each year. We expect this number to grow as more sites are identified.

Do We Still Need Superfund?

Experience has shown that new hazardous waste sites continue to be discovered every month, and an effective program must be in place to address these sites. It is expected that in the future, the universe of Superfund sites will grow smaller. However, there will be a continued need for the Superfund Program for several reasons: accidents will continue to happen which will require emergency removals; a few people will continue to misuse hazardous materials; and some companies will fail and leave hazardous waste problems which present situations of imminent and substantial endangerment to public health and the environment. Only with an effective Superfund Program in place will these sites be addressed.

Administrative Reforms

Through a series of Superfund Reforms, the Agency is fundamentally reforming the Superfund program, making it faster, fairer and more efficient.

UPDATING REMEDY SELECTION

EPA is updating remedy selection at sites, encompassing reform initiatives such as ensuring that site decisions are made using common sense approaches; decisions reflect an effort to balance protectiveness and cost effectiveness of remedies; and that reasonable risk assessments are an integral part of the remedy selection process. States are fully involved in designation of Superfund sites and remedy selections.

Region 6 Progress: In FY98, four remedy updates were completed for a cost savings of over \$31 million. These included an Explanation of Significant Differences at the Vertac site in Arkansas, and Record of Decision Amendments at the Petro-Chem Site in Texas, the Texarkana Wood Site in Texas, and the South Eighth Street Site in Arkansas.

COMMON SENSE ALTERNATIVES TO LISTING PROCESSES

EPA has implemented two Administrative Reforms that deal with common sense approaches to the listing of sites on the Superfund National Priorities List (NPL). EPA now considers response actions that have already been taken at a site up to the time of listing on the NPL. In addition, EPA is deleting clean parcels of certain Superfund sites from the NPL.

Region 6 Progress: Early responses are considered at all site in Region 6 prior to placement of the site on the NPL. Examples of recent NPL additions where fully integrated removal actions were either commenced or planned prior to NPL placement include the Madisonville Wood Preserving site and the DeLatte Metals site, both in Louisiana. In FY98, a partial deletion package was prepared for two operable units at the Agriculture Street Landfill in Louisiana, and a partial deletion of surface soil at the Prewitt Refinery in New Mexico was completed in FY98.

INCREASING COMMUNITY INVOLVEMENT

EPA has strengthened its program to provide all affected stakeholders the opportunity to provide their input in the Superfund process earlier and more frequently. The Region uses Community Advisory Groups and Technical Assistance Grants to help communities become involved in the Superfund process.

Region 6 Progress: The Region continues its aggressive outreach and community involvement program to ensure that stakeholders have access to and the ability to comment on the Region's Superfund actions. During FY98, the Region held open houses and public meetings at numerous Superfund sites including Madisonville Wood Preserving, American Creosote, Lincoln Creosote, Agriculture Street Landfill, Bayou Bonfouca, Southern Shipbuilding, Gulf Coast Vacuum, United Creosote, and Pab Oil.

FAIRER ENFORCEMENT PROCESSES

EPA is promoting fairer enforcement processes encompassing several of the reform initiatives. For example, EPA is facilitating potentially responsible party searches, expediting settlements, increasing the numbers of protected small contributors, adopting allocations proposed by parties at sites, ensuring that settlement funds are dedicated to specific sites, issuing cleanup orders to parties in an equitable manner, and reducing oversight for cooperative parties.

Region 6 Progress: Since 1995, Region 6 has issued eight Unilateral Administrative Orders involving remedial design/remedial actions and removals at seven sites. Region 6 has placed nearly \$10 million in 13 special accounts representing 12 sites. Two of these accounts were established in FY98. Region 6 took the initiative in FY96 to reduce oversight of potentially responsible parties (PRP) by 43% and continues this trend today. The backlog of PRP billings has been eliminated. Region 6 has agreements in place with Texas, Oklahoma and Arkansas to conduct early PRP searches at the site assessment phase. These early searches are invaluable tools to assist the Region in reaching settlements with parties. In FY98, early interviews resulted in an agreement with PRPs to perform a removal action at the Fox Drum Site in Osage County, Oklahoma. At early interview at the DeLatte Metals site facilitated retrieval of six boxes of business records spanning approximately six years, which enabled previously unknown PRPs to be identified. Also in FY98, the allocation pilot at the South 8th Street Site resumed.

BROWNFIELDS - BENEFICIAL REUSE

EPA is encouraging the beneficial reuse of sites by providing assistance to State agencies and municipalities with assessment of sites, outreach and Regional and National Pilot grants to cities.

Region 6 Progress: Since 1995, 17 Brownfields Assessment Demonstration Pilot projects have been funded in the Region, each receiving up to \$200,000 in Federal grant funds to support creative two-year explorations and demonstrations of brownfields solutions. Since 1995, nearly \$4 million has been provided to State agencies in support of their brownfields efforts. In addition, since 1995, the Region has spent approximately \$1 million to provide assistance to 14 cities in the form of targeted site assessments to determine the magnitude of contamination, and to determine what redevelopment steps are needed to rehabilitate the sites back to the cities' tax rolls. The Region 6 brownfields team conducts significant outreach activities including presentations, mail-outs, and phone consultations as well as maintaining the Region 6 Brownfields homepage on the Internet.

STATE EMPOWERMENT INITIATIVES

EPA is working with State agencies and Tribes to integrate site management programs and to establish a lead regulator at each site undergoing cleanup activities under competing Federal and State authorities.

Region 6 Progress: The Region supports and promotes effective State/Tribal voluntary cleanup programs, and in conjunction with the Brownfields initiative, provided limited financial assistance to such programs. EPA and the State of Texas have signed a Memorandum of Agreement concerning how the State and EPA will work together to support protective cleanup programs and sustainable redevelopment of brownfields sites. EPA and the States are also worked together to develop a pilot program under which States and Tribes can oversee and compel PRP action at selected NPL-caliber sites. For example, the project team for the North Avenue Railroad Plume site in New Mexico includes representatives from EPA, the State, and the Santa Clara Pueblo. In addition, Region 6 has awarded Multi-Project Cooperative Agreements to both the New Mexico Environment Department and the All Indian Pueblo Council for Superfund activities. Under these grants, the grantees can move money from one project to another as State/Tribal priorities change.